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TORRANCE POLICE DEPARTMENT

13
14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
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17 ROBERT THOMSON,
18 Plaintiff,

19 vs.

20 TORRANCE POLICE DEPARTMENT
and THE LOS ANGELES COUNTY
21 SHERIFFS DEPARTMENT,
22 Defendants.

Case No. CV11-06154 SJO (JCx)
Date Action Filed: July 26, 2011

Assigned to:
U.S. District Judge S. James Otero

**DEFENDANT TORRANCE POLICE
DEPARTMENT'S EVIDENTIARY
OBJECTIONS TO EVIDENCE CITED
IN PLAINTIFF'S REPLY BRIEF RE
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Motion Hearing Date: Feb. 27, 2012
Time: 10:00 a.m.
Courtroom: 1- 2nd Floor
Location: Spring Street

Defendant TORRANCE POLICE DEPARTMENT ("TPD") objects to Plaintiff's Reply Brief in his Motion for Summary Judgment as follows:

Plaintiff's Reply Brief sets forth alleged quotes from certain depositions of L.A. County Sheriff Department ("LASD") employees from some unidentified case to which the TPD was not a party. Plaintiff has not requested that judicial notice be taken of the deposition transcripts from which the statements were purportedly taken, and Plaintiff has not provided the Court or the TPD with certified copies of deposition transcripts to verify that his quotations are accurate. Moreover, LASD employees are not TPD employees, and thus have no percipient knowledge of the TPD's CCW policy and/or how it is enforced.

I. EVIDENTIARY OBJECTIONS

Material Objected to:	Grounds for Objection:	Ruling:
1. Pg. 3, lines 15-23: "Q. Can you provide any support for how your policy of drastically restricting the issuance of CCW permits prevents violence?" A. I -- I think just the -- putting more guns on the street, I think could clearly create much more violence in the County of Los Angeles, and I think we need to restrict the number of weapons that are available on the streets legally.	<u>FRE 602/702. Lack of Foundation.</u> Plaintiff has not provided a certified deposition transcript from which the alleged statements were taken. Further, an employee of LASD does not have the requisite foundation to testify on policy interests related to TPD's CCW policy. <u>FRE 1002. Best Evidence Rule.</u> The best evidence of the purported	Sustained: _____ _____ Overruled: _____ _____

1	Material Objected to:	Grounds for Objection:	Ruling:
2 3 4	Q. Last year, how many weapons were stolen from permit holders outside of their home?....	contents of any testimony from a deposition is a transcript of the deposition itself, which Plaintiff does not provide.	
5 6	A. I don't know. Deposition of Larry Waldie Page 25 Line 13-25		
7 8 9 10	Q How does your restrictive policy regarding CCW's protect against gun violence in the community at large?	<u>FRE 801/802/804. Hearsay.</u> Plaintiff has made no showing that Undersheriff Waldie was unavailable for testimony or that	
11 12 13 14 15 16 17	A. Basically, restricting the number of weapons that possibly could get on the street and lead to violent and inappropriate manner. Deposition of Undersheriff Waldie at page 32, line 22 to page 33 line 4.”	he attempted to depose him in this action. Further, the testimony cannot be offered against the TPD, which was not a party to whatever litigation the deposition testimony comes from.	
18 19 20 21 22 23		<u>FRE 402. Relevance.</u> Testimony from a LASD employee on his understanding of policy implications and facts has no relevance to TPD’s CCW policy.	
24	2. Pg. 4, lines 9-17:	<u>FRE 602/702. Lack of</u>	Sustained:
25 26	“Q Do gang members ever apply for CCW permits from you?	<u>foundation.</u> Plaintiff has not provided the	_____
27	A They may. I do not know.	actual deposition transcript.	Overruled:
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